

**Introduced by Senator Denham**

February 22, 2005

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An act to add Section 664.5 to the Penal Code, relating to offenses against minors.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 613, as introduced, Denham. Offenses against minors.

Existing law makes it a crime for a person, with knowledge that a person is a minor, or who fails to exercise reasonable care to know the minor's age, to knowingly distribute harmful matter by any means, including telephone, to a minor for the purpose of seducing the minor.

This bill, in addition, would provide that every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor shall be punished as provided for in the law proscribing attempts to commit a crime.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 664.5 is added to the Penal Code, to read:

664.5. Every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with the intent to commit an offense specified in Section 273a, 286, 288, 288a, or 311.11 involving a minor shall be punished pursuant to the provisions of Section 664. As used in this section, “contacts or communicates with” shall include direct and indirect contact or communication that may be achieved personally or by use of an agent or agency, any print medium, any postal service, a common carrier or communications common carrier, any electronic communications system, or any telecommunications wire, computer, or radio communications device or system.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.